

THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 17867 of 2005

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Dated: 17.08.2005

Between:-

Khajabee w/o late Miyasab, aged about 60 years,
Occ: Agriculture, R/o Aroor village, Sadasivapet mandal,
Medak District and two others.

...PETITIONERS

And

The District Collector, Sangareddy, Medak District

And two others.

...RESPONDENTS

ORDER

The petitioners seek a Mandamus declaring the action of the respondents in dispossessing them in the name of the proceedings, dated 04.09.2003 and the action of 3rd respondent in issuance of the proceedings, dated 04.09.2003 without affording an opportunity to them as unconstitutional and consequently declare the assignment made in 1979 cannot be cancelled and set aside the proceedings dated 04.09.2003 of 3rd respondent.

The case of the petitioners is that the Government through the then Tahsildar, Sangareddy, after thorough enquiry have assigned the land bearing Survey No. 52 to an extent of Ac. 5.00 in favour of the husband of 1st petitioner, Miyasab; and one Babusab and they are in possession of the same without any interruption. Miyasab passed away in the year 2002 and the land assigned to him has been inherited by 1st petitioner herein. Miyasab was also passed away in the year 1995 and the land assigned to him has been inherited to his sons i.e. Md. Sab and 3rd petitioner herein. Md. Sab also passed away in the year 2004 and his wife, the 2nd petitioner herein continues to enjoy the said land. It is the further case of the petitioners that in the month of June, 2005, they were informed by some persons that the revenue authorities are contemplating to disturb their land to the third parties as house site pattas in a function to be presided over by the local leaders and immediately they approached the office of M.R.O. and they came to know that some proceedings were issued in the year 2003. They made a representation to the M.R.O. about their possession over the lands and the M.R.O. had issued copy of the proceedings, dated 04.09.2003 to them on 27.7.2005. The said proceedings showed that the assignment made in favour of two different persons and presently enjoyed by three different persons was cancelled in single proceedings and it does not show why the M.R.O. made an inspection and it was claimed that the M.R.O. was informed that all of them and their family members left to Hyderabad for their livelihood. The Village Panchayat Secretary allegedly reported that they are not in possession of the land. Further, the case of the petitioners is that since the date of assignment they have been in possession of the schedule land. On coming to know the said proceedings, immediately they have filed appeals before the Revenue Divisional Officer and they have numbered and stay petitions are pending. Now the office of M.R.O. have started demarcating for small house plots in their lands. Therefore, the petitioners came up with the present writ petition.

Heard the learned counsel for the petitioners and the learned

Government Pleader.

Pending appeals against the orders passed in proceedings, dated 04.09.2003, by the Mandal Revenue Officer, wherein the M.R.O., after giving notice to the petitioners, have cancelled the assignment and resumed the lands back in favour of the Government and directed the Mandal Revenue Inspector-II to take over the possession of the land into Government custody under proper panchanama within three days on the ground that the petitioners are not residing in the village and the land is suitable for house sites, as submitted by the Village Panchayat Secretary, Aroor/MRI-II, this writ petition is filed apprehending the dispossession of the petitioners from the schedule land at the hands of the respondents as they are in possession of the schedule land on the date of filing of the writ petition.

Considering the facts and circumstances of the case, without going into merits or otherwise of the contentions raised herein, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the 2nd respondent-R.D.O. to pass appropriate orders in accordance with law against the Appeal Nos. 2035/2005, 2036/2005 and 2038/2005 filed by the petitioners herein, within a period of twelve weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioners. Till such time, the respondents are directed not to dispossess the petitioners from the petition schedule lands.

The writ petition is accordingly disposed of. No order as to costs.

E. DHARMA RAO, J

17th August, 2005

vp

Note:

Issue CC in 3 days

(b/o)

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